

3/10/2003

### MANAGEMENT STATUS OF OPEN FAR CASES

	12/31/02	1/31/03	3/10/03
At DoD	15	11	3
At CAAC	13	11	10
In case resolution	6	1	4
DARC/CAAC agree	0	2	0
At GSA Legal	1	0	1
Resolving GSA Legal issues	1	3	2
GSA Legal concurrence	1	1	0
At OFPP	4	4	6
Resolving OFPP issues	5	4	5
OFPP concurrence	1	3	0
At OIRA	0	0	2
Resolving OIRA issues	1	1	1
OIRA cleared.	3	4	5
At FAR Secretariat	6	4	7
Out for public comment	3	6	8
On hold	2	5	5
Total	62	60	59

### **FAR RULES PUBLISHED IN CY03**

	Proposed	Interim	Final
Proposed	5		
FAC 2001-12 (1/27/03)			
Total	5		
FAR Cases Opened in CY03	0		
FAR Cases Closed in CY03:	3		

See also: <http://www.acq.osd.mil/dp/dars>. Scroll down to Status of Open Cases.

### Management Status of the Open FAR Cases

<u>At DoD – 3 (2 DARC, 1 CAAC)</u>		<u>Committee</u>
2002-015	Government Property Rental and Special Tooling (p) (10/30/02, Agreed to draft proposed rule. 1/30/03, remaining issue resolved.)	DARC
2002-010	Debarment and Suspension—Indefinite Delivery Contracts (p→f) (3/6/03, Comments to DARC)	DARC
2001-004	Exemption of Certain Commercial Service Contracts from the Service Contract Act (p) 2/5/03, DARC raised issues. Drafting ltr to CAAC)	<u>CAAC</u>

<u>At CAAC – 10 (6 DARC; 4 CAAC)</u>		<u>Committee</u>
2002-025	Unique Contract and Order Numbering System (11/4/02, Case opened. 1/14/03, Cmte meeting scheduled.)	<u>CAAC</u>
2002-017	Elimination of the Standard Form 1417 (p) (3/7/03, DARC raised issues, returned to CAAC Chair)	DARC
2002-024	Electronic Representations and Certifications (2/24/03, To CAAC, Will discuss 3/12/03)	DARC
2002-023	Excluded Parties List System Enhancement (p) (2/12/03, To CAAC Chair, Recommend review by Justice Department)	DARC
2002-004	Part 22 Subcontracts and Definition of Terms (p) (3/6/03, DARC letter to CAAC, providing draft proposed rule changes agreed to by DAR Council.)	<u>CAAC</u>
2002-001	Economic Planning, Employee Morale, and Travel Cost Principles (p→f) (2/26/03, To CAAC Chair.)	DARC
2001-033	Section 508 Contract Clause (p) (9/10/02, tasked IT Cmte.) (3/05/03, will close case after documentation of file regarding disposition of comments.)	<u>CAAC</u>
2001-024	Selling Cost Principle (p→f) (2/14/03, To CAAC Chair.)	DARC
2000-608	New Consolidated Form for Selection of Architect-Engineer Contractors (p→f) (2/24/03, To CAAC. 3/5/03, CAAC overview. Will discuss 3/19/03)	<u>CAAC</u>
1995-013	Government Property Disposal (p→f) (GSA deviations to LP, resolving issues. 3/6/03, DAR staff notified FAR staff that FR notice changes OK)	DARC

### In Case Resolution – 4

2002-013	Definitions Clause (p) (1/28/03, CAAC approved with changes) (2/11/03, proposed revisions to DAR staff. 3/6/03, proposed CAAC revisions to DAR Council.)
2001-021	Training and Education Cost Principle (p→p) (2/10/03, Revision to CAAC Chair)
2001-008	Compensation Cost Principle (p→f) (10/22/02, CAAC approved with changes) (1/29/03, DAR staff sent further draft revisions to FAR staff)
2000-005	Leadership in Environmental Management (E.O. 13148) (p→f) (3/5/03)

### DARC/CAAC Agree. Next step, legal review - 0

### GSA Legal Review - 1

2001-032	Elimination of Standard Form 129 (p→f) (2/27/03)
----------	--

### **Resolving GSA Legal issues - 2**

- 2002-006 Application of Cost Principles and Procedures, and Accounting for Unallowable Costs (p) (10/06/02)(12/24/02, CAAC agreed to revisions) (12/27/02, DARC returned to with changes)
- 1999-025 Cost Accounting Standards (CAS) Administration (p→p) (3/3/03)

### **GSA Legal concurrence. Next step, OFPP - 0**

#### **At OFPP for review - 6**

- 2002-027 Unsolicited Proposals (3/5/03)
- 2002-021 Use of FAR Clause 52.244-6, Subcontracts for Commercial Items and Commercial Components, in Construction Contracts (p) (1/31/03)
- 2002-011 Procurement of Printing and Duplicating through the GPO (p→f) (12/30/02, Comment period closed. OFPP processing public comments.)
- 2001-028 Energy Efficient Standby Power Devices (p→f) (3/7/03)
- 2001-005 Notification of Overpayment, Contract Financing Payments (p→f) (2/26/03)
- 1999-603 Federal Supply Schedule Services and Blanket Purchase Agreements (p) (3/3/03)

### **Resolving OFPP Issues - 5**

- 2002-005 Transportation: Standard Industry Practices (p) (1/28/03, Received OFPP comments.)
- 2001-030 Electronic Listing of Acquisition Vehicles Available for Use by More than One Agency (p→f) (To OFPP 12/11/02. 3/3/03, OFPP provided revisions)
- 2001-018 Applicability of the Cost Principles (p) (7/2/02, OFPP identified issues) (1/30/03, Issues still in resolution)
- 1999-402 FAR Part 27 Rewrite in Plain Language (p) (11/7/02, OFPP requested summary of significant changes. 3/7/03, PD&C Cmte meeting with OFPP)
- 1997-304 Electronic Commerce in Federal Procurement (i→f) (2/5/03, OFPP requested additional information. 2/6/03, GSA returned to OPFF) (Received additional OFPP comments, 3/3/03)

### **OFPP Concurrence. Next step, OIRA - 0**

#### **At OIRA - 2**

- 2002-008 Gains and Losses, Maintenance and Repair Costs, and Material Costs (p) (3/7/03)
- 2001-029 Miscellaneous Cost Principles (p→f) (3/7/03)

### **Resolving OIRA issues - 1**

- 2001-031 Deferred Compensation and Post-Retirement Benefits Other than Pensions (p) (2/12/03, DAR staff sent revised rule to FAR staff)

### **OIRA cleared. Next step, FARSEC - 5**

- 2002-018 Central Contractor Registration (p) (3/10/03)
- 2001-015 Prohibited Sources (p→f) (2/25/03)
- 2000-304 Electronic Signatures (p→f) (3/10/03)
- 2000-009 Update to 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders - Commercial Items. (p→f) (2/26/03)
- 1999-400 Geographic Use of the Term "United States" (p→f) (3/10/03)

## **At FAR Secretariat – 7**

1998-020 Hazardous Material Safety Data (p→p) (3/7/03)

2001-035 Past Performance Evaluation of Federal Prison Industries Contracts (p→f) (3/6/03)

2000-308 Prompt Payment Under Cost-Reimbursement Service Contracts (i→f) (3/7/03)

### **FAC 2001-013**

2001-006 Progress Payment Requests under Indefinite-Delivery Contracts (p→f) (12/11/02)

2000-016 Federal, State, and Local Taxes (p→f) (12/11/02)

2000-013 Contract Types for Commercial Item Acquisitions (p→f) (2/14/03)

1999-024 Preference for U.S.-Flag Vessels--Subcontracts for Commercial Items (p→f) (1/14/03)

### **Out for Public Comment - 8**

2002-029 Contract Bundling—Implementing the OMB Report (CD 4/1/03)

2002-026 Procurements for Defense against or Recovery from Terrorism or Nuclear, Biological, Chemical, or Radiological Attack (i) (CD 3/28/02)

2002-014 Debriefing—Commercial Items (p) (CD 4/7/03)

2002-012 Section 508 Micropurchase Exception Sunset Provision (i) (CD 3/3/02)

2001-037 Insurance and Pension Costs (p) (CD 3/31/03)

2001-034 General Provisions of the Cost Principles (p) (CD 4/7/03)

2001-026 Depreciation Cost Principle (p) (CD 3/31/03)

2000-305 Commercially Available Off-The Shelf Items (ANPR) (CD 3/31/03)

*FR notice Reimbursement of Relocation Costs on a Lump Sum Basis (CD 12/23/02)*

### **On Hold - 5**

2002-020 Contract Bundling—Data Collection (p) (1/15/03, pending input from SBA)

2002-003 Temporary Emergency Procurement Authority (i) (1/14/03, Pending finalization of Homeland Security case)

2000-010 Acquisition of Construction under Part 12 (p) (12/12/02, Pending GSA pilot. Will begin guidance development with industry 03/03.)

1994-753 Travel Costs (p→f)

1989-093 Lobbying Restrictions (i→f)

**(i) = *Interim rule not published***

**(p) = *Proposed rule not published***

**(i→f) = *Finalizing interim rule***

**(p→p) = *Second proposed rule***

**(p→f) = *Finalizing proposed rule***

## **FAR Rules Published in CY03**

### **ANPR**

2000-305 Commercially Available Off-The Shelf Items (ANPR) (1/30/03)

### **Proposed rules:**

2002-029 Contract Bundling—Implementing the OMB Report (1/31/03)

2002-014 Debriefing—Commercial Items (p) (2/4/03)

2001-037 Insurance and Pension Costs (p) (1/30/03)

2001-034 General Provisions of the Cost Principles (p) (2/4/03)

2001-026 Depreciation Cost Principle (p) (1/30/03)

### **FAC 2001-012** (1/24/03)

2002-026 Procurements for Defense against or Recovery from Terrorism or Nuclear, Biological, Chemical, or Radiological Attack (i)

### **FAR Cases Withdrawn, Merged, or Closed Without Action CY03**

2002-022 Fulford Doctrine (p) (2/19/2003) Case closed without further action.

1998-018 Trademarks for Government Products (p→p) (1/15/03) Closed case without action. Issue may be more appropriately covered in guidebook.

2001-011 FAR Electronic Availability (f) (1/28/03) Case closed without action. No FAR changes required. The FAR is still produced in a loose-leaf edition made available to the public on the GSA FAR Web-site.